

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2015 OCT 28 PM 3:16

CLERK 1740
SD DIST. OF GA.

UNITED STATES OF AMERICA

vs.

LISA RANELL HELTON

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CR 611-015-05

O R D E R

On September 8, 2015, this Court denied Defendant Lisa Ranell Helton ("Helton") relief under 18 U.S.C. § 3582(c)(2) based upon Amendment 752 to the United States Sentencing Guidelines. The Court explained that the guideline range for sentencing applicable to Helton's case is unchanged under Amendment 752. That is, her adjusted offense level of 28 at the time of the original sentencing remained 28 after application of Amendment 752. Presently, Helton has filed a motion for reconsideration. While the Court explained the ruling in its Order of September 8, 2015, perhaps more detail would be helpful.

At the time of sentencing, Helton's offense level was determined under U.S.S.G. § 2D1.1(a)(5), which provides that the base offense level is "the offense level specified in the Drug Quantity Table set forth in subsection (c), except that if (A) the defendant receives an adjustment under § 3B1.2

(Mitigating Role); and (B) the base offense level under subsection (c) is (i) level 32, decrease by 2 levels; (ii) level 34 or level 36, decrease by 3 levels; or (iii) level 38, decrease by 4 levels." U.S.S.G. § 2D1.1(5)(A) & (B) (emphasis added). In Helton's case, she qualified for a mitigating role adjustment and her base offense level under the Drug Quantity Table was 32; thus, her base offense level was determined to be 30 under U.S.S.G. § 2D1.1(5)(A) and (B)(i). Helton also received a two-level adjustment for being a minor participant pursuant to U.S.S.G. § 3B1.2(b). With an adjusted offense level of 28 and a criminal history category of IV, Helton's guideline range at sentencing was 110 to 137 months.

Helton is correct that Amendment 782 reduced her base offense level under the Drug Quantity Table by two levels. Thus, her amended base offense level under the amended Drug Quantity Table is 30. However, because the amended base offense level is 30, she no longer qualifies for an adjustment under U.S.S.G. § 2D1.1(5)(B) because a base offense level of 30 is not listed. Thus, she does not get a mitigating role reduction; her base offense level remains 30. The amended offense level is still adjusted for her minor role in the offense, yielding an adjusted offense level of 28. With the same offense level of 28 and criminal history category of IV, Helton's guideline range remains 110 to 137 months.

Upon the foregoing, Helton's motion for reconsideration (doc. no. 229) is hereby **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 28th day of October, 2015.


UNITED STATES DISTRICT JUDGE